

Congress of the United States
Washington, DC 20515

April 28, 2021

Chairwoman Rosa DeLauro
Committee on Appropriations
Subcommittee on Labor, Health and
Human Services, Education,
and Related Agencies
2358-B Rayburn House Office Building
Washington, DC 20515

Ranking Member Tom Cole
Committee on Appropriations
Subcommittee on Labor, Health and
Human Services, Education,
and Related Agencies
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairwoman DeLauro and Ranking Member Cole,

As you develop the FY22 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill, we write to ask for your support in protecting workers' safety as they exercise their right to form a union. To accomplish this goal, we ask you to remove the prohibition on electronic voting in union elections and direct the National Labor Relations Board (NLRB) to develop a system and procedures to conduct electronic union representation elections.

Since 2012, the NLRB has been restricted from using funds to "issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining."¹ Given the constraints on workers' ability to exercise their rights during the pandemic, there is a legitimate need for accommodating the rights of workers and protecting NLRB employees during union representation elections. Put simply, the NLRB must have safe, efficient, and flexible processes at its disposal to carry out its duties during the pandemic and beyond.

Electronic voting has well-established precedent as a secure and efficient method for conducting union representation elections. The National Mediation Board (NMB), which governs representation elections in the rail and airline industries, has successfully utilized electronic voting for almost two decades without issue. Furthermore, during a year in which the NLRB conducted an unprecedented number of elections by mail, any fears that remote voting might lead to a surge in coercive behavior have proven to be unfounded.

Last year, the House-passed Labor, Health and Human Services, Education, and Related Agencies Appropriations bill (H.R. 7617) removed the electronic voting rider and directed \$1,000,000 to the NLRB to develop swiftly a system and procedures to conduct electronic union

¹ See, Further Consolidated Appropriations Act, Pub. L. No. 116-94, § 407

representation elections.² We appreciate the inclusion of this important provision and ask that it be included again in FY22 appropriations legislation.

Allowing the NLRB to develop an electronic voting procedure would protect workers – including the NLRB’s own employees – while also promoting efficiency and aligning it with the practices of similar agencies. These benefits would more than offset the relatively small cost to taxpayers; the \$1,000,000 in requested funding represents less than one-half of one percent of the NLRB’s FY2021 appropriation.

This effort has broad support from members of Congress and stakeholders alike. In April 2020, 168 members of Congress from across the ideological spectrum advocated for this important safety measure.³ In January of this year, the SAFE Workers Act⁴ was reintroduced; this bill currently has 83 bipartisan cosponsors and would have largely the same outcome as the language we request. Given the overwhelming public health imperative, these efforts have had support from an array of unions, experts, and the professionals at the NLRB whose job it is to conduct these elections.⁵

Thank you for your attention to this matter. We appreciate the difficult work the Appropriations Committee does to find bipartisan solutions to pressing problems. We believe this is one such solution and hope that you will include it in this year’s bill.

Sincerely,



ANDY LEVIN
Member of Congress



BRIAN FITZPATRICK
Member of Congress

/s/

ALMA S. ADAMS, PH.D.
Member of Congress

/s/

NANETTE DIAZ BARRAGÁN
Member of Congress

/s/

ALAN LOWENTHAL
Member of Congress

² [Defense, Commerce, Justice, Science, Energy and Water Development, Financial Services and General Government, Labor, Health and Human Services, Education, Transportation, Housing, and Urban Development Appropriations Act, 2021, H.R. 7617 \(116th\)](#)

³ [“Levin, Fitzpatrick Lead Bipartisan Letter Signed by 168 Members Urging Inclusion of Union Election Funds in Future COVID-19 Relief Package,” Rep. Andy Levin. April 20, 2020.](#)

⁴ [H.R. 308, Secure And Fair Elections for Workers Act \(117th Cong.\)](#)

⁵ [See, Unions Want Electronic NLRB Elections Added To Virus Relief, Law360 \(May 6, 2020\); Why unions are good for workers—especially in a crisis like COVID-19, Economic Policy Institute \(August 25, 2020\).](#)

/s/
CINDY AXNE
Member of Congress

/s/
DONALD J. BACON
Member of Congress

/s/
SANFORD D. BISHOP, JR.
Member of Congress

/s/
EARL BLUMENAUER
Member of Congress

/s/
LISA BLUNT ROCHESTER
Member of Congress

/s/
JAMAAL BOWMAN
Member of Congress

/s/
BRENDAN F. BOYLE
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JULIA BROWNLEY
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CORI BUSH
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